

Order Act of 2010. I offered the text of this bill to H.R. 725, the Indian Arts and Crafts Act Amendments, and last night, the Senate passed this bill as amended by unanimous consent.

As chairman of the Committee on Indian Affairs, I have presided over 14 hearings relating to public safety on our Nation's tribal lands over the past three years. These hearings revealed a longstanding crisis of violence in many parts of Indian country. Indian reservations on average suffer rates of violence more than 2.5 times the national rate. In my home State of North Dakota, the Standing Rock Sioux Reservation suffered 8.6 times the national rate of violence in 2008. In early 2008, there were 9 police officers patrolling this 2.3 million acre Reservation, which meant at times there was no 24-hour police response service. As a result, victims of violence reported waiting hours and sometimes days before receiving a response to their distress calls. With this level of response, crime scenes can become compromised, and justice is not served to the victims, their families, or the community.

Our hearings found that violence against Indian women has reached epidemic levels. The Justice Department and the Centers for Disease Control and Prevention report that more than 1 in 3 American Indian and Alaska Native women will be raped in their lifetime and more than 2 in 5 will be subject to domestic or partner violence.

The broken and divided system of justice in place on Indian lands that was devised by dozens of Federal laws and Federal court decisions enacted and handed down over the past 150 years is not well-suited to address the violence in Indian country. Because of these laws and decisions, responsibility to investigate and prosecute crime on the reservation is divided among the Federal, tribal, and in some locations, state governments.

Based on this authority, these governments should be diligent in preventing and prosecuting these crimes. Thus, one of the primary purposes of the bill is to ensure that the United States upholds its treaty promises and legal obligation to investigate and prosecute violent crimes on Indian lands. Our Nation made treaty promises, and enacted laws—specifically the General and Major Crimes Acts—that provided for Federal criminal jurisdiction over Indian lands. At the same time, the United States limited tribal government authority to punish offenders in tribal courts to no more than 1 year for any one offense.

The Tribal Law and Order Act of 2010 takes steps to hold the United States to these solemn promises, and will address the restriction on tribal court penal authority over defendants in tribal court where certain protections are met.

Mr. KYL. I thank my colleague from North Dakota for his work on this important bill. We held a field hearing in my State of Arizona on an early

version of this bill. There we heard from tribal leaders about violence in their communities. In 2009, the Bureau of Indian Affairs reported that in my home State of Arizona the San Carlos Apache Tribe endured a violent crime rate that is more than six times the national average and the White Mountain Apache Tribe suffered a violent crime rate more than four times the national average. On the southern border, the Tohono O'odham Nation needs assistance in addressing the onslaught of Mexican drug and human traffickers that exploit the sprawling reservation, which is the size of the State of Connecticut.

I would like to address changes made to section 201 of the Tribal Law and Order Act that concern Public Law No. 83-280, commonly known as Public Law 280. This law was enacted on August 15, 1953. Public Law 280 removed the Federal Government's special Indian country law enforcement jurisdiction over almost all Indian lands in the States of Alaska, upon statehood, California, Minnesota, Nebraska, Oregon, and Wisconsin, and permitted these States to exercise criminal jurisdiction over those lands. The act specifically provides that these states "shall have jurisdiction over offenses committed by or against Indians in the areas of Indian country . . . to the same extent that such State . . . has jurisdiction over offenses committed elsewhere within the State . . . and the criminal laws of such State . . . shall have the same force and effect within such Indian country as they have elsewhere within the State."

Public Law 280 has been a mixed bag for both tribes and States. The States that are subject to Public Law 280 possess authority and responsibility to investigate and prosecute crimes committed on reservations, but, because of subsequent court decisions that sharply limited the extent of Public Law 280's grant of civil jurisdiction to affected states, these states have almost no ability to raise revenue on Public Law 280 lands. And to the extent that tribal governments retained concurrent jurisdiction over crimes committed by Indians on these lands, such authority is currently limited, as my colleague from North Dakota states, to no more than 1 year for any one offense. Thus, residents of reservations subject to Public Law 280 have to rely principally on sometimes underfunded local and state law enforcement authorities to prosecute reservation crimes.

Section 201 of the Tribal Law and Order Act of 2010 allows the Federal Government to reassume criminal jurisdiction on Public Law 280 lands when the affected Indian tribe requests the U.S. Attorney General do so. If the Attorney General concurs, the United States will reassume jurisdiction to prosecute violations of the General and Major Crimes Acts, sections 1152 and 1153 of title 18, that occur on the requesting tribe's reservation.

The bill makes clear that, once the United States reassumes jurisdiction pursuant to this provision, criminal authority on the affected reservation will be concurrent among the Federal and State governments and, "where applicable," tribal governments.

Mr. President, I would like to ask the sponsor of the bill to make clear that nothing in the Tribal Law and Order Act retracts jurisdiction from the State governments, and nothing in the act will grant criminal jurisdiction in Indian country to an Indian tribe that does not currently have criminal jurisdiction over such land.

Mr. DORGAN. That is correct. The phrase that jurisdiction "shall be concurrent among the Federal Government, State governments, and, where applicable, tribal governments" is intended to clarify that the various State governments that are currently subject to Public Law 280 will maintain such criminal authority and responsibility. In addition, this provision intends to make clear that tribal governments subject to Public Law 280 maintain concurrent criminal authority over offenses by Indians in Indian country where the tribe currently has such authority. Nothing in this provision will change the current lay of criminal jurisdiction for state or tribal governments. It simply seeks to return criminal authority and responsibility to investigate and prosecute major crimes in Indian country to the United States where certain conditions are met.

Mr. KYL. Mr. President, I concur with the interpretation of this provision expressed by my colleague from North Dakota.

AMERICAN JOBS AND CLOSING TAX LOOPHOLES ACT OF 2010—Continued

The PRESIDING OFFICER. The Senator from Washington State is recognized.

Mrs. MURRAY. Mr. President, I rise to express my disappointment that we have gotten to this point on this very important piece of legislation that is before us, the tax extenders bill, the jobs package we have been trying to get passed. We have worked very hard to put together a bill that will provide much needed help to families and communities across the country. It is a bill that will make sure our recovery is not jeopardized. It is a bill that would extend tax credits to individuals and small businesses that both of our parties think are important. It provides incentives for clean energy companies to expand and create jobs at a time when we need them. It allows families in States such as mine to deduct local sales tax from their Federal returns, an important boost to the economy. It provides critical support for States that are struggling today to provide health care for their families in these very tough economic times. And it will extend unemployment benefits to support those in our communities who,